

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY A. ANDERSON,	)	
	)	
Plaintiff,	)	Civil Action No. 15 – 952
	)	
v.	)	
	)	Magistrate Judge Lisa Pupo Lenihan
	)	
ALLEGHENY COUNTY JAIL, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Petitioner initiated this action on July 23, 2015, by submitting a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. The Petition, however, was not accompanied by the \$5.00 filing fee or a Motion for Leave to Proceed *in forma pauperis*, and, therefore, the case was closed until such time the filing fee or IFP Motion was received. On August 14, 2015, Petitioner filed an IFP Motion, and he filed another IFP Motion on August 21, 2015. The IFP Motion filed on August 21, 2015, however, was accompanied by another Petition for Writ of Habeas Corpus that is slightly different than the original one he filed on July 23, 2015.

Because the two habeas petitions are different, it is unclear whether Petitioner intended the second petition to replace the first one, or whether he intended the second petition to be filed in a separate case (even though this case number is included in the caption of that petition). The Court will not guess as to Petitioner's intentions. Instead, Petitioner shall file a response to this Order indicating how he intends to proceed in this case. If Petitioner desires to proceed on the second petition that he filed, then he should be aware of the fact that the second petition will

completely replace the first petition. If, instead, he desires to proceed on both petitions, then the second petition will be filed under a separate case number.

Petitioner shall file his response indicating his intentions no later than **September 17, 2015**. If he fails to respond by that time, then the Court will assume that Petitioner intended the second petition to replace the first petition, and the case will go forward on only the second petition.

Dated: September 3, 2015.

/s/ Lisa Pupo Lenihan  
Lisa Pupo Lenihan  
United States Magistrate Judge

cc: Anthony A. Anderson  
Allegheny County Jail  
950 2<sup>nd</sup> Ave.  
Pittsburgh, PA 15219-3100